UNITED NATIONS

E/NL.1989/45-46
2 November 1990
ENGLISH AND SPANISH ONLY
ORIGINAL: SPANISH

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

MEXICO

Communicated by the Government of Mexico

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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E/NL.1989/45

DECREE

Amending and supplementing various provisions of the Penal Code for ordinary offences in the Federal District and for federal offences throughout the Republic.

In the margin a seal with the national emblem bearing the legend: United Mexican States - Office of the President of the Republic.

CARLOS SALINAS DE GORTARI, Constitutional President of the United Mexican States, to all inhabitants of the country, be it known:

That the Congress of the Union has sent me the following

DECREE

"THE CONGRESS OF THE UNITED MEXICAN STATES DECREES:

AMENDMENTS AND ADDITIONS TO VARIOUS PROVISIONS OF THE PENAL CODE 1/ FOR ORDINARY OFFENCES IN THE FEDERAL DISTRICT AND FOR FEDERAL OFFENCES THROUGHOUT THE REPUBLIC

ARTICLE 1. Articles 25, 164, 164 bis, 195, 197, 198, 201, 205, first paragraph, 206, 215, first, penultimate and last paragraphs, 260, 261, 265, 266, 266 bis, first paragraph, 320, 324, 372 and 381, first paragraph, of the Penal Code for ordinary offences in the Federal District and for federal offences throughout the Republic are hereby amended to read as follows:

'ARTICLE 25. Imprisonment consists in deprivation of physical freedom and its duration shall be from three days to 40 years, except in the cases provided for in articles 315 bis, 320, 324 and 366, where the maximum sentence shall be 50 years, and shall be served in penal settlements, institutions or other places designated for the purpose by the law or by the body responsible for the enforcement of sentences, in due conformity with the court decision on the subject.

'Time spent in custody shall count towards the serving of any prison sentence.'

'ARTICLE 164. Any person who belongs to an association or band of three or more persons for the purpose of committing offences shall be liable to imprisonment for a term of one to eight years and to a fine of 30 to 100 days.

'If the member of the association is or has been a public official in any police unit, the penalty mentioned in the previous paragraph shall be increased by half and he shall also be dismissed from his public employment, office or function and debarred from holding any other such position for a period of one to five years.'

'ARTICLE 164 BIS. When any offence is committed by a gang, the penalties to which those responsible are liable shall be increased by half.

'For the purposes of this article, a gang means three or more persons meeting habitually, occasionally or temporarily who, without being organized for criminal purposes, commit an offence together.

1/ Note by the Secretariat: E/NL.1976/17.

'If the gang member is or has been a public official in any police unit, the penalty prescribed for the offence or offences committed shall be increased by up to two thirds and he shall also be dismissed from his public employment, office or function and debarred from reappointment for a period of one to five years.'

'ARTICLE 195. Any person who, being engaged in agricultural work proper, sows, cultivates or harvests cannabis or marijuana plants, if he shows obvious signs of cultural backwardness, social isolation and dire poverty, shall be liable to imprisonment for a term of two to eight years.

'Any person who allows such plants to be cultivated on any land in his ownership, tenancy or possession in similar circumstances to those mentioned in the previous paragraph shall be liable to the same penalty.'

'ARTICLE 197. A person shall be liable to imprisonment for a term of 10 to 25 years and a fine of 100 to 500 days if, in cases other than those covered by the preceding articles, he:

'I. Sows, cultivates, harvests, produces, manufactures, makes, processes, prepares, packages, transports, sells, buys, acquires, disposes of or traffics or trades in, supplies, even without pecuniary consideration, or prescribes any of the plants or substances specified in article 193 without the appropriate authorization referred to in the General Health Act;

'II. Imports or exports any of the plants or substances covered by article 193 into or from the country illegally, even temporarily or in transit, or takes steps with a view to doing so;

'Any public official who, in the performance of his duties or taking advantage of his position, conceals or permits such acts or steps taken with a view to performing them shall be liable to the same penalties;

'III. Provides economic or any other resources, or is involved in any way in financing, for the commission of any of the offences referred to in this chapter;

'IV. Engages in publicity, advertising or instigation or provides illegal assistance so as to cause another person to consume the plants or substances covered by article 193;

'V. Anyone in possession of any of the plants or substances specified in article 193 without the corresponding authorization referred to in the General Health Act shall be liable to imprisonment for a term of seven to 25 years and a fine of 100 to 500 days.'

'ARTICLE 198. The penalties applicable to each of the offences covered by this chapter shall be increased by half in the following cases:

'I. If the offence is committed by public officials responsible for preventing or investigating the commission of offences endangering health;

'II. If the victim is under age or incapable of understanding the implications of the action or resisting it;

'III. If the offence is committed in an educational, welfare or penal establishment or in its vicinity, with persons attending or held in the establishment;

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'IV. If minors or persons not competent are used to commit any of the offences covered by this chapter;

'V. If the offender is involved in a criminal organization established inside or outside the Republic for the purpose of committing any of the offences covered by this chapter;

'VI. If the offence is committed by professional, technical, auxiliary or other staff connected with any field of health who make use of their position to commit it. They shall also be liable to suspension of their rights or functions with regard to exercise of their profession or office for up to five years and debarment for a period equivalent to the term of imprisonment imposed;

'VII. If a person persuades another person by taking advantage of his family ties with him or moral influence or authority or command over him to commit any of the offences covered by this chapter;

'VIII. If the owner, possessor, tenant or user of an establishment of any kind makes use of it to perform any of the offences covered by this chapter or permits them to be performed by third parties. The establishment shall also be closed down permanently.'

'ARTICLE 201. Anyone who procures or facilitates the sexual depravation of a minor under the age of 18 or a person who for any other reason is not competent, through sexual acts, or induces him to engage in begging, become inebriated, engage in drug taking or any other vice, join a criminal association or commit any criminal offence shall be liable to imprisonment for a term of three to eight years and a fine of 20 to 100 days.

'If repeated corrupting actions applied to the same minor or incompetent person cause him to become an alcoholic or habitual user of toxic substances, or other substances producing similar effects, engage in prostitution or in homosexual practices, or belong to a criminal association, the penalty shall be a term of imprisonment of five to 10 years and a fine of 100 to 400 days.

'If any other offence besides those referred to in this chapter is committed, the rules of accumulation shall apply.'

[...]

TRANSITIONAL ARTICLE

This Decree shall enter into force on 1 February 1989.

Mexico, D.F., 29 December 1988. Socorro Díaz Palacios, President. Héctor Hugo Olivares Ventura, President. José Murat, Secretary. Margarita Ortega V. de Romo, Secretary."

E/NL.1989/46

ACT INTRODUCING, AMENDING, SUPPLEMENTING AND REPEALING VARIOUS FISCAL PROVISIONS AND SUPPLEMENTING THE GENERAL COMPANIES ACT

In the margin, a stamp with the national emblem bearing the legend: United Mexican States - Office of the President of the Republic.

CARLOS SALINAS DE GORTARI, Constitutional President of the United Mexican States, to all inhabitants of the country, be it known:

That the Congress of the Union has sent me the following

DECREE

"The Congress of the United Mexican States decrees:

ACT INTRODUCING, AMENDING, SUPPLEMENTING AND REPEALING VARIOUS FISCAL PROVISIONS AND SUPPLEMENTING THE GENERAL COMPANIES ACT

CHAPTER 1

FISCAL CODE OF THE FEDERATION

[...]

'ARTICLE 115 BIS. A person shall be liable to imprisonment for a term of three to nine years if, knowing that a sum of money or property of any kind comes from or represents the product of any illegal activity, he:

'I. Performs any financial operation, purchase, sale, guarantee, deposit, transfer, exchange of currency or, in general, any disposal or acquisition in relation to the above-mentioned money or property for the purpose of:

'(a) Evading the payment of tax in any way;

'(b) Concealing or disguising the origin, nature, ownership, destination or location of the money or property in question;

'(c) Supporting any illicit activity; or

'(d) Failing to make the report required by the operation; or

'II. Transports, transmits or transfers the sum of money or property in question from one place to another within the country, from Mexico to another country or from another country to Mexico, for the purpose of:

'(a) Evading the payment of tax in any way;

'(b) Concealing or disguising the origin, nature, ownership, destination or location of the money or property in question;

'(c) Supporting any illicit activity; or

'(d) Failing to make the report required by the operation.

'The same penalties shall be imposed on anyone who performs any of the actions referred to in the previous two paragraphs in relation to the sum of money or the property mentioned in those paragraphs in the knowledge of its illegal origin, if it has been identified as the product of illegal activities by the competent authorities or courts and these acts are aimed at:

'(a) Concealing or disguising the origin, nature, ownership, destination or location of the money or property in question; or

'(b) Supporting any illicit activity.'

[...]

TRANSITIONAL ARTICLES

ARTICLE 1. This Act shall enter into force on 1 January 1990.

[...]

Mexico, D.F., 19 December 1989. José Luis Lamadrid Sauza, President. Alfonso Martínez Domínguez, President. Hilda Anderson Nevárez de Rojas, Secretary. Hugo Domenzáin Guzman, Secretary."